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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,254	08/22/2005	Satoshi Mae	264170US0PCT	2609
22850	7590	03/12/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			SASTRI, SATYA B	
			ART UNIT	PAPER NUMBER
			1796	
			NOTIFICATION DATE	DELIVERY MODE
			03/12/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/520,254	MAE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SATYA B. SASTRI	1796	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)                                |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| Paper No(s)/Mail Date <u>11/13/07, 6/29/06, 1/6/05</u> .                               | 6) <input checked="" type="checkbox"/> Other: <u>DERWENT Abstract for SU 960205A</u> . |



### **DETAILED ACTION**

1. This office action is in response to application filed on August 22, 2005. Claims 1-10 are now pending in the application.

#### ***Claim Rejections - 35 USC § 102 and 103***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 7 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by GB 926,902 (referred to as '092, cited as X-reference in the International search report).

'092 discloses improving flow properties of vinyl chloride plastisols used to produce solid or hollow articles by molding the composition (page 1, lines 6-14). The compositions include aliphatic amine fatty acid salts as fluidifiers (page 2, lines 1-15).

Thus, the presently cited claims are anticipated by the prior art.

Art Unit: 1796

5. Claims 1, 7 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by Weisfeld et al. (US 3,730,943, cited as X-reference in the International search report).

Weisfeld et al. disclose stabilized PVC polymers stabilized with a mixture of calcium neodecanoate and zinc neodecanoate (abstract). Working example discloses milled plasticized PVC sheets comprising metal salts of carboxylic acids as recited in present claims. The compositions are useful in food packaging applications (abstract, col. 2, lines 25-31 and working examples).

Thus, presently cited claims are anticipated by the prior art.

It is the examiner's position that the metal salt must inherently be capable of functioning as a viscosity modifier as presently claimed.

6. Claims 1-3, 7, 10 are rejected under 35 U.S.C. 102(b) as anticipated by Alzner et al. (US 3,409,580, cited as X-reference in the International search report).

Alzner et al. disclose polyvinyl halide plastisols containing cyclohexyl amines and products derived therefrom (abstract, col. 2, lines 31-66, col. 3). Further, the plastisol compositions include naphthenoic acids (col. 4, lines 8-29). Presently claimed compositions read on composition disclosed in working example 2 in col. 11 that includes an amine and an acid compound.

Thus, presently cited claims are anticipated by the prior art.

It is the examiner's position that the amine and the acid must inherently be capable of functioning as a viscosity modifiers as presently claimed.

Art Unit: 1796

7. Claims 1-3, 7, 9 are rejected under 35 U.S.C. 102(b) as anticipated by Klein et al. (US 2,548,433, cited as X-reference in the International search report).

Klein et al. disclose plastisols containing nitrogenous viscosity modifiers. The compositions are useful as coating compositions for fabrics, metal, plastics (col. 1, lines 1-5). Exemplified compositions include a variety of amines (col. 2, lines 25-34, and examples 1-11).

Thus, presently cited claims are anticipated by the prior art.

8. Claims 1, 7, 9 are rejected under 35 U.S.C. 102(b) as anticipated by Meyer et al. (US 3,492,257, cited as X-reference in the International search report).

Meyer et al. disclose polyvinylchloride treated with a fatty acid or salt thereof to produce stable plastisols (col. 2, lines 26-25). The compositions are useful for treating fabrics (col. 2, lines 57-65).

In light of above, presently cited claims are anticipated by the prior art.

9. Claims 1, 7-10 are rejected under 35 U.S.C. 102(b) as anticipated by Blum et al. (US 4,613,639).

Blum et al. disclose acrylate plastisols having a long shelf life for use as coating materials and adhesives. The plastisol compositions further include protective colloids selected from the group consisting of polyamide-amine, polyamino-imidazole, polyurethane-amine and polyethyleneimine. The compositions are useful in manufacturing shaped articles, as sealants and adhesives (abstract, col. 3, lines 13-24, col. 6, lines 6-48, claim 1).

Art Unit: 1796

In light of above, the presently cited claims are anticipated by the prior art.

It is the examiner's position that the amine-based protective colloids must inherently be capable of functioning as viscosity modifiers as claimed presently.

10. Claims 1, 2, 4, 7, 9 are rejected under 35 U.S.C. 102(b) as anticipated by GORSHKOV et al. (SU 960,205A, Derwent abstract).

Gorshkov et al. disclose PVC plastisol used for applying a PVC finish to structural materials. The plastisol consists of (in wt. %): PVC 35.2-54.8, plasticizer 21.1-32.89, stabilizer 0.32-0.49, pigment 0.35-0.55, surfactant 0.27-0.70 and the remainder as filler. The surfactant consists of 17-20C primary aliphatic oxyethylated amines containing 2 oxyethyl groups. The resulting plastisol has a low viscosity and good storage stability. Suitable plasticizers are dibutyl and dioctyl phthalate etc.; suitable stabilizers are Ca and Ba stearate etc.; and suitable fillers are asbestos, chalk, etc. (abstract).

The presently claimed alkylamine compound reads on the surfactant.

Additionally, the presently claimed carboxylic acid salts read on Ca and Ba stearates.

In light of above, presently cited claims are anticipated by the prior art.

It is the examiner's position that the surfactant and metal carboxylates must inherently be capable of functioning as viscosity modifiers as claimed presently.

11. Claims 1, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg et al. (US 3,210,312).

Art Unit: 1796

Rosenberg et al. disclose the use of imidazoline salts as antistatic agents for polyvinyl chloride type resins (col. 1, lines 19-61).

In light of above, presently cited claims are anticipated by the prior art.

It is the examiner's position that the imidazoline salts must inherently be capable of functioning as viscosity modifiers as claimed presently.

The limitation, "for a plastisol composition", recited in the present claims is deemed as the intended use of the compounds.

12. Claims 1, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima et al. (US 3890267).

Fukushima et al. disclose molding material, available for engineering plastics, comprising 95 to 20 % by weight of hydrolyzed ethylene-vinyl acetate copolymer and 5 to 80 % by weight of glass fiber (abstract). Moreover, the compounding of a viscosity modifier and a thermoplastic urethane resin is useful. Disclosed viscosity modifiers include chelate compounds of aluminum and titanium (claim 1).

The chelate compounds of aluminum and titanium read on the disclosed viscosity modifiers. Thus, the presently cited claims are anticipated by the prior art.

The limitation, "for a plastisol composition", recited in the present claims is deemed as the intended use of the compounds.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the



Art Unit: 1796

examiner should be directed to Satya Sastri at (571) 272 1112. The examiner can be reached on Wednesdays and Fridays, 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Satya B Sastri/*

*Examiner, Art Unit 1796*

*/Randy Gulakowski/*

Supervisory Patent Examiner, Art Unit 1796